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MOTION UNDER 28 U.S.C. SECTION 2255  
 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF ILLINOIS

MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY  
 A PERSON IN FEDERAL CUSTODY

UNITED STATES

08CV246  
 JUDGE HOLDERMAN  
 MAG. JUDGE COX

v.

CASE NO. \_\_\_\_\_  
 (To be supplied by clerk)

ELIJAH BAPTIST #C62348  
 (Full name and prison number of  
 movant)

**FILED**  
 J.N. Jan 11, 2008  
 JAN 11 2008

MICHAEL W. DOBBINS  
 CLERK, U.S. DISTRICT COURT

IF THE MOVANT HAS A SENTENCE TO BE SERVED IN THE FUTURE UNDER  
 A FEDERAL JUDGMENT WHICH HE WISHES TO ATTACK, HE SHOULD FILE  
 A MOTION IN THE FEDERAL COURT WHICH ENTERED THE JUDGMENT.

1. Place of detention, or if on parole, date of parole release

PAROLE 10-23-1991

2. Name and location of court which sentence was imposed and name  
 of judge who imposed the sentence which is now under attack.

COOK COUNTY CRIMINAL COURT, JUDGE EARL STRANAHAN

3. Date of judgment of conviction: JUNE 1976
4. Case number: 74-5258
5. Length of sentence: 60 TO 80 YEAR'S / SEVEN YEAR'S
6. Nature of offense involved (all counts): MURDER  
AND ATTEMPTED ARMED ROBBERY
7. What was your plea? (check one)  
 (A) Not guilty ( ☒ )  
 (B) Guilty ( ☐ )  
 (C) Nolo Contendere ( ☐ )
8. Kind of trial: (check one)  
 (A) Jury ( ☒ )  
 (B) Judge only ( ☐ )
9. Did you testify at the trial?  
 Yes ( ☐ ) No ( ☒ )
10. Did you appeal from the judgment of conviction?  
 Yes ( ☒ ) No ( ☐ )
11. If you did appeal, answer the following:  
 (A) Name of court APPELLATE COURT OF ILLINOIS  
 (B) Result REVERSED & REMAND  
 (C) Date of result AUG 1978
12. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court?  
 Yes ( ☒ ) No ( ☐ )

13. If your answer to (12) was "YES," give the following information:

- (A) (1) Name of court FEDERAL DISTRICT COURT NORTHERN DIST  
 (2) Nature of proceeding HEARINGS CORPUS  
 (3) Grounds Raised CHALLENGE OF MY CONVICTION IN THE STATE COURT AND THE ILLINOIS SUPREME COURT RULING  
 (4) Did you receive an evidentiary hearing on your petition, application or motion?  
 Yes ( ) No ( ☒ )  
 (5) Result MOTION DISMISSED  
 (6) Date of result 1985

(B) As to any second petition, application or motion, give the same information:

- (1) Name of the court CIRCUIT COURT OF COOK COUNTY  
 (2) Nature of proceeding PETITION OF HABEAS CORPUS  
 (3) Grounds Raised WHETHER OR NOT PETITIONER HAS SERVED ALL OF HIS PRISON TIME  
 (4) Did you receive an evidentiary hearing on your petition, application or motion?  
 Yes ( ) No ( ☒ )  
 (5) Result DISMISSED  
 (6) Date of result 2005

(C) As to any third petition, application or motion, give the same information:

- (1) Name of the court \_\_\_\_\_  
 (2) Nature of proceeding \_\_\_\_\_  
 (3) Grounds Raised \_\_\_\_\_

- (4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ( )

No ( )

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

- (D) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ( ) No (✓)

(2) Second petition, etc. Yes ( ) No (✓)

(3) Third petition, etc. Yes ( ) No (✓)

- (E) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

DIDNT HAVE ACCESS TO THE PRISON LAW LIBRARY TO  
PUT FORTH MY DEFENSE ON MY DIRECT HABEAS CORPUS  
AND THIS IS MY FIRST PETITION CHALLENGING MY  
PAROLE. DIDNT HAVE FUNDS TO PAY COURT COST FOR  
TRANSCRIPT TO APPEAL THE COURT RULING ON MY  
PETITION OF MANDAMUS

14. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

**CAUTION: IF YOU FAIL TO SET FORTH ALL GROUNDS IN THIS MOTION, YOU MAY BE BARRED FROM PRESENTING ADDITIONAL GROUNDS AT A LATER DATE.**

- A. Ground one ILLINOIS DEPARTMENT OF CORRECTIONS  
REFUSING TO GIVE ME GOODTIME CREDIT.

Supporting FACTS (tell your story briefly without citing cases or law):

ON OCT 23, 1991, I WAS PAROLE FROM WESTERN  
ILLINOIS CORRECTIONAL CENTER AND ACCORDING TO THE DE-  
PARTMENT OF CORRECTIONS, MY MAXIMUM DATE FOR BEING  
RELEASE OF PAROLE WAS IN 2011. EVEN THOUGH I'M ON  
PAROLE, I STILL SUPPOSE TO RECEIVE GOODTIME CREDIT  
WHICH REDUCES MY TIME ON PAROLE, BUT (CONTI)

- B. Ground two I'M BEING KEPT ON PAROLE BECAUSE OF A  
CIVIL COMPLAINT THAT I FILE AGAINST DEPT OF CORR.

Supporting FACTS (tell your story briefly without citing cases or law):

I FILED A CIVIL COMPLAINT #05C1768 AGAINST THE  
DEPT OF CORRECTION FOR WORSEFUL INCARCERATION  
AND THIS IS WHY I'M BEING KEPT ON PAROLE EVEN  
AFTER MY PAROLE TIME HAS BEEN DONE, I SIGNIT'VE  
BEEN TAKEN OFF PAROLE IN 1994.

- C. Ground three

Supporting FACTS (tell your story briefly without citing cases or law):

Ground four \_\_\_\_\_

Supporting FACTS (tell your story briefly without citing cases or law:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. If any of the grounds listed in 14 A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them:

GOODTIME CREDIT WHILE ON PAROLE, BUT I'VE NOT  
CHALLENGING MY CONVICTION!

16. Do you have any petition or appeal now pending in any court as to the judgment under attack? Yes ( ) No (✓)

(A) If "YES," state the name of the court and the nature of the proceeding: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

17. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(A) At preliminary hearing \_\_\_\_\_

(B) At arraignment and plea \_\_\_\_\_

(C) At trial\_\_\_\_\_

(D) At sentencing\_\_\_\_\_

(E) On appeal\_\_\_\_\_

(F) In any post-conviction proceeding\_\_\_\_\_

(G) On appeal from any adverse ruling in a post-conviction proceeding\_\_\_\_\_

18. Were you sentenced on more than one count of an indictment, or more than one indictment, in the same court and at approximately the same time? Yes ( ) No ( )

19. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack? Yes ( ) No ( )

(A) If so, give the name and location of the court which imposed the sentence to be served in the future:\_\_\_\_\_

(B) And give the date and length of sentence to be served in the future:\_\_\_\_\_

WHEREFORE, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of attorney (if any)

Elijah Baptiste  
Signature of Movant

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1-11-08  
(date)

Elijah Baptiste  
Signature of Movant